

Congress of the United States
Washington, DC 20515

March 8, 2018

The Honorable Kristjen Nielsen
Secretary
Department of Homeland Security
Washington, D.C.
20528

The Honorable L. Francis Cissna
Director
U.S. Citizenship and Immigration Services
Washington, D.C.
20529

Dear Secretary Nielsen and Director Cissna,

We are writing to urge U.S. Citizenship and Immigration Services (USCIS) to promptly review all pending Deferred Action for Childhood Arrivals (DACA) renewal requests and adjudicate them in a timely manner. Additionally, USCIS must promptly consider and process the nearly 20,000 DACA requests that were pending prior to the September 5, 2017 announcement regarding the termination of the program. These requests have been pending for at least six months, and we are deeply concerned that USCIS is intentionally delaying processing these applications and putting these potential beneficiaries at risk of deportation by not processing them in a timely manner.

USCIS data indicates that, as of January 31, 2018, there were 29,606 pending applications for renewal.¹ While the Administration temporarily suspended DACA renewals after the Attorney General announced the termination of the program on September 5, 2017, two federal courts subsequently ruled that USCIS must continue to receive and process renewal applications while federal litigation proceeds.² USCIS has historically requested that DACA recipients submit their renewal paperwork between 120-150 days before their status expires. Any delays in processing these requests are unacceptable as they will result in the loss of employment authorization and protections from deportation for thousands of current DACA beneficiaries.

Further, USCIS must process the initial DACA requests that were made prior to the Administration's September 5, 2017 announcement to end the program. These applications were made in good faith in an effort to access the protections and benefits of the DACA program as it existed at the time of their application. The Administration's decision to abruptly end DACA

¹

https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACA_FY18_Q1_Data_plus_Jan_18.pdf

² *Regents of the Univ. of CA. v. U.S. Dep't. of Homeland Sec.*, No. C17-05211 WHA (N.D.Cal. Jan. 9, 2018); *Vidal, et al. v. Nielsen*, 16-CV-4756 (NGG)(JO) (E.D.N.Y. Feb.13, 2018)

was arbitrary and capricious, leaving existing recipients and those who had recently submitted their applications in legal limbo. The current backlog of pending initial applications that were made prior to September 5, 2017 - and the stated processing time of one full year - is unacceptable.

Please provide us with the following information within 30 days of receipt of this letter:

1. How many initial requests for DACA did the agency adjudicate in each month from September 2017 through February 2018?
2. How many staff does USCIS have dedicated to processing initial DACA applications that were received prior to September 5, 2018? Does USCIS need additional staff to review renewals and processing the pending applications?
3. Did USCIS suspend reviewing initial applications that were made prior to September 5, 2017 after the announcement by the President to end the program? Has USCIS resumed review of these applications?
4. What is the process that USCIS uses to determine the order of preference of applications to review?

Sincerely,



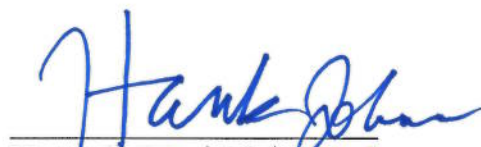
Jared Polis
Member of Congress



Raúl M. Grijalva
Member of Congress



Madeleine Z. Bordallo
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



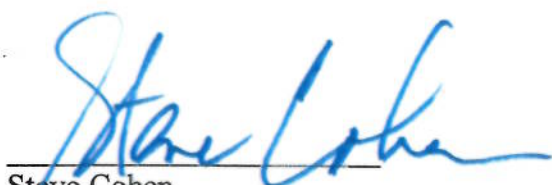
Tom O'Halleran
Member of Congress

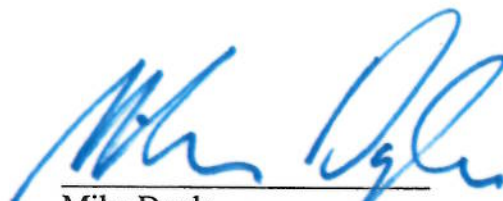


Jimmy Gomez
Member of Congress



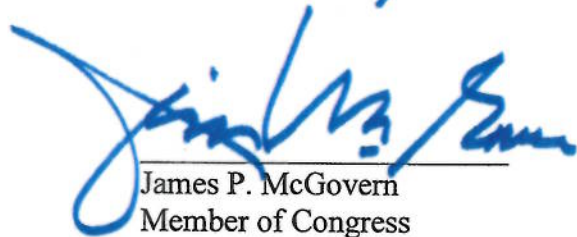
John Garamendi
Member of Congress


Steve Cohen
Member of Congress



Mike Doyle
Member of Congress

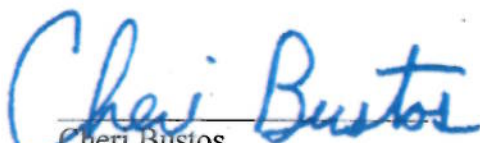


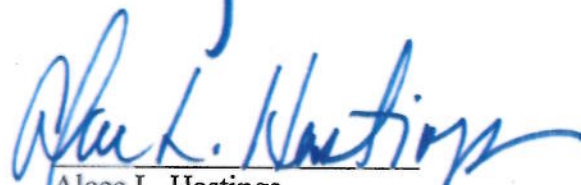
Nanette Diaz Barragán
Member of Congress


James P. McGovern
Member of Congress



Adriano Espaillat
Member of Congress

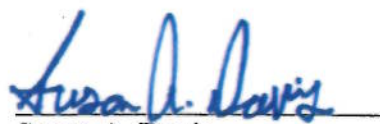

Colleen Hanabusa
Member of Congress



Cheri Bustos
Member of Congress



Alcee L. Hastings
Member of Congress

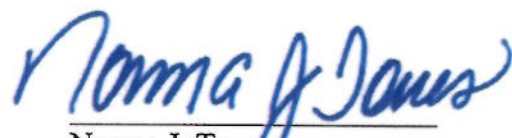

Brendan F. Boyle
Member of Congress


Tony Cárdenas
Member of Congress


Susan A. Davis
Member of Congress

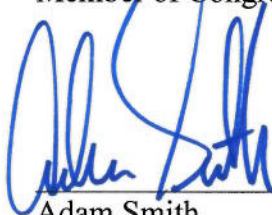

Bill Foster
Member of Congress


Salud O. Carbajal
Member of Congress



Norma J. Torres
Member of Congress



Bobby L. Rush
Member of Congress



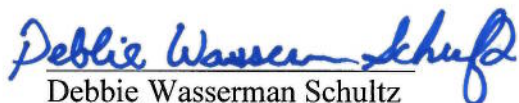
Adam Smith
Member of Congress



Mark Pocan
Member of Congress



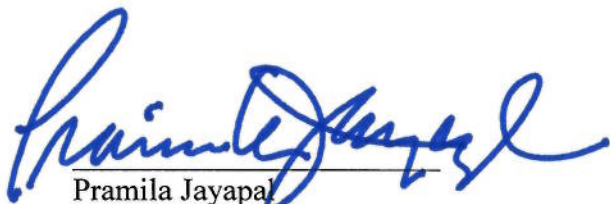
Peter Welch
Member of Congress



Debbie Wasserman Schultz
Member of Congress



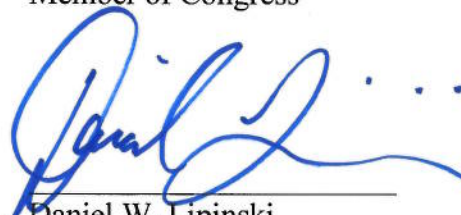
Julia Brownley
Member of Congress



Pramila Jayapal
Member of Congress



Nydia M. Velázquez
Member of Congress



Daniel W. Lipinski
Member of Congress



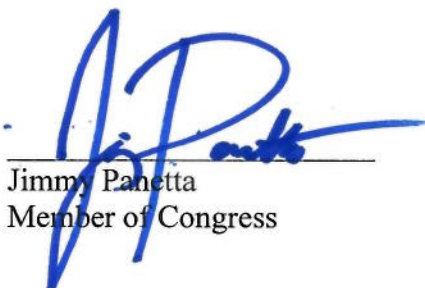
Dina Titus
Member of Congress



Frederica S. Wilson
Member of Congress



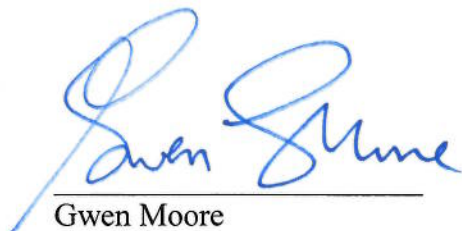
Eleanor Holmes Norton
Member of Congress



Jimmy Panetta
Member of Congress



Robert C. "Bobby" Scott
Member of Congress



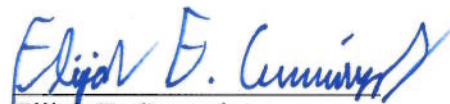
Gwen Moore
Member of Congress



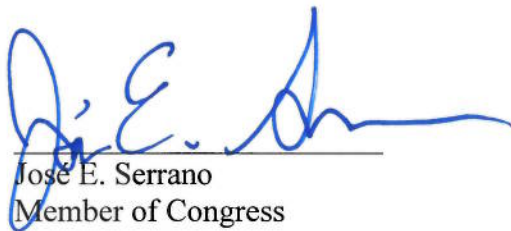
Albio Sires
Member of Congress



Anothony Brown
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Elijah E. Cummings
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José E. Serrano
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John K. Delaney
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Keith Ellison
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William R. Keating
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Bradley S. Schneider
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Donald M. Payne, Jr.
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A. Donald McEachin
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Jacky Rosen
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Diana DeGette
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Rick Larsen
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Donald S. Beyer Jr.
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Tom Suozzi
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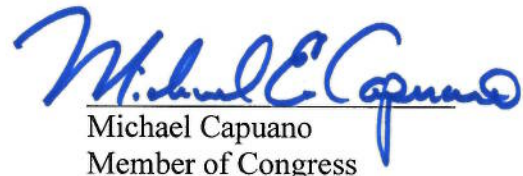
Filemon Vela
Member of Congress



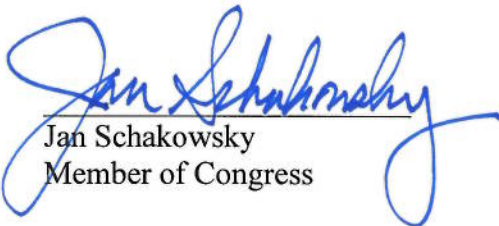
Linda T. Sanchez
Member of Congress



Emanuel Cleaver
Member of Congress



Michael Capuano
Member of Congress



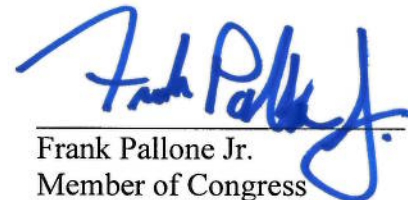
Jan Schakowsky
Member of Congress



John Yarmuth
Member of Congress



Mark DeSaulnier
Member of Congress



Frank Pallone Jr.
Member of Congress



Daniel T. Kildee
Member of Congress



Kurt Schrader
Member of Congress

A handwritten signature in blue ink, reading "Ed Perlmutter". The signature is stylized with a large, looping "E" and a long, sweeping underline that extends to the right.

Ed Perlmutter
Member of Congress